

Best Available Copy

PATENT APPLICATION

Docket No: 10209.56



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Claude Jarakae Jensen, et. al)	
)	
Serial No.:)	
09/839,433)	
)	Art Unit
Filed:)	1616
)	
For:)	
MORINDA CITRIFOLIA ENHANCED)	
LIP TREATMENT)	
)	
Examiner:)	
Sharmila S. Gollamudi)	

AFFIDAVIT UNDER 37 C.F.R. §1.131

I Tim Osterholm declare:

1. That I am an Officer of the company which administrated the domain <http://www.noni-now.com> at the time of publication of the reference, attached as Exhibit A, cited by the Examiner during the prosecution of the above-identified applicant and am authorized to make this declaration.
2. The products sold and referenced by Noni-Now at the time of the publication of the cited reference are products manufactured by the Applicant.
3. That the Applicant had reduced to practice the invention prior to the first date of publication of the content published at <http://www.noni-now.com>.
4. That the e-mail of record, attached as Exhibit B, is inaccurate. Specifically, the lip balm in question was not sold or otherwise made available to the public in 1999.
5. That all statements made of our own knowledge are true and all statements made on information and belief are believed to be true; and, further, that these statements were made

with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this _____ day of January, 2006

Tim Osterholm, Declarant

State of Utah)

) ss

County of Salt Lake)

Before me personally appeared Tim Osterholm who acknowledged the foregoing instrument to be a free act and deed and also represented that he is authorized to execute the same this _____ day of January in the year 2006.

Notary Public

My Commission Expires:

Gollamudi, Sharmila

From: info@noni-now.com
Sent: Monday, August 11, 2003 1:15 PM
To: Sharmila Gollamudi
Subject: Re:

Sharmila:

Where are you located? Lip balm was introduced in 1999 <http://www.lni.com/125544/>

Sharmila Gollamudi wrote:

Hi would like to know when the noni lip balm was introduced into the market. thanks. Any website or other information would be helpful, thanks.

=====

Sharmila S Gollamudi

Do you Yahoo!?

Yahoo! SiteBuilder - Free, easy-to-use web site design software
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These products are not intended to diagnose, treat, cure, or prevent any disease.

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**We would enjoy
hearing from you!**

**Email us at
info@noni-now.com**

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Noni -- A Gift from Nature

by John Fisher



Tahiti Trim® Plan 40™ Body Balance Cream. Regulate the effects of fluctuating hormone levels, including food cravings, with the right body balance. Proper amounts of progesterone balance estrogen and leave you feeling physically and emotionally well. This balance helps keep the increased cravings, mood swings, and hot flashes that come with hormonal changes in check.

A transdermal (skin) cream delivery system is the safest way to get the proper amount of progesterone, and it's the most effective. Noni is a proven vehicle for carrying other beneficial substances through the skin; it has an amphoteric nature, which means it is equally attracted to both fat and water, so skin can easily absorb it. Tahiti Trim® Plan 40™ Body Balance Cream contains noni and additional ingredients that enhance skin penetration.

Body Balance Cream, with noni juice and noni oil from Tahiti, is manufactured to contain 20 mg of USP progesterone per 1/4 teaspoon and 450 mg of USP progesterone per ounce.

Comes with separate directions for Premenopausal/Perimenopausal (menstruating with cycle changes) and Menopausal/Post-menopausal (no longer menstruating).

Available in a 8 fl. oz. tube, approximately a 60-day supply. **\$26.**



Tahiti Trim® Plan 40™ Basics Pack. Get a strong start every month with the Tahiti Trim® Plan 40™ Basics Pack. We've put together the basics of the Plan 40 program for you in a convenient, competitively priced pack.

You get the Cleanse Beverage, Appetite Suppressant, Calcium Plus, Women's Essentials, Hoa® (all listed above), and a Body Balance Cream sample. **\$170.**



Tahiti Trim® Plan 40™ Hoa®. Round out your health regimen with essential vitamins and minerals. Noni Hoa in Tahitian simply means "companion of noni." Tahiti Trim® Plan 40™ Hoa® 1 and Hoa® 2 comes in separate capsules that target different areas of your digestive system to help you to maximize their nutritional benefits. Our proprietary SmartCaps™ delivery system ensures the contents of each capsule are released at the right time in the right place for optimal absorption.

Hoa® 1

This capsule contains 45 distinct ingredients. It utilizes the acidity in the stomach to ensure proper digestion and bioavailability of its ingredients.

Hoa® 2

The 37 different ingredients in this capsule bypass your stomach and release in your intestinal tract, where they are better assimilated into your body. The SmartCaps™ technology protects the contents from reacting to other nutrients, foods, or gastric acids, allowing it to pass through the stomach without being dissolved.

Suggested Use: Take two of each capsule with juice or water once a day, preferably before a meal. There are two bottles, one containing Hoa® 1 (60 capsules), and the other containing Hoa® 2 (60 capsules), 30-day supply. **\$35.**

Specific Nutrition

PERSONAL CARE

Facial Care

TAHITIAN NONI® FACIAL CARE ADVANTAGE. Designed to deliver the soothing, renewing benefits of the exotic noni fruit to your skin. Refreshingly different from any other personal care products on the market, this entire system is designed to treat the problems your skin encounters, not just the symptoms. Each formula is dermatologist tested, pH balanced, non-comedogenic, and naturally fragranced. The system contains three proprietary complexes, each containing a special blend of pure, natural ingredients, designed to address your specific skin care needs:

- **TAHITIAN NONI® Antioxidant Complex** (a unique combination of noni and other potent antioxidants that work to neutralize free radicals and block future free-radical damage)
- **TAHITIAN NONI® Revitalizing Complex** (a distinct formulation of noni juice, rosemary, seaweed, and more to encourage the body's natural production of its own moisturizing ceramides and lipids)
- **TAHITIAN NONI® Barrier Repair Complex** (a special blend of noni seed oil, linoleic acid, soybean oil, and other natural ingredients that work to reduce moisture loss, irritation, and other factors that contribute to the signs of aging)



TAHITIAN NONI® Facial Care System for Dry Skin*.

Incorporates specific ingredients to protect against the damage of both indoor and outdoor elements. You're going to think beautiful skin just happens once you start using the system. Follow four simple steps: Cleanse, Tone, Nourish, and Replenish. The three core products are listed below FOR DRY SKIN:



TAHITIAN NONI® Milky Cleanser.

Cleanse your skin while providing it with extra moisture; gently removes impurities and lifts away dead cells, extra oils, dirt, and makeup. 4 fl. oz. pump bottle. \$16.



TAHITIAN NONI® Hydrating Toner.

Refresh and tone your skin while removing the last traces of surface impurities; works without stripping your skin for a soft, radiant, fresh appearance. 4 fl. oz. bottle. \$12.



TAHITIAN NONI® Protective Moisturizer SPF 15 Dry Skin. Get the essential daytime protection your skin needs; the moisturizer will give your skin radiance, day-long comfort, hydration, and protection from the sun's harmful rays. 1.7 fl. oz. tube. \$28.



TAHITIAN NONI® Facial Care System for Normal to Combination Skin**.

Incorporates specific ingredients to protect against the damage of both indoor and outdoor elements. You're going to think beautiful skin just happens once you start using the system. Follow four simple steps: Cleanse, Tone, Nourish, and Replenish. The three core products are listed below FOR NORMAL TO COMBINATION SKIN:



TAHITIAN NONI® Foaming Cleanser.

Purify your skin and tighten pores without stripping; this gentle cleanser removes impurities, and lifts away dead cells, extra oils, dirt, and makeup that can clog pores, leaving your skin feeling clean and smooth. 4 fl. oz. pump bottle. \$16.




TAHITIAN NONI® Balancing Toner.

Refresh your skin and tighten pores while removing the last traces of surface impurities; you'll enjoy a firmer skin texture and a balance of your skin's natural oils for a clean, pure look. 4 fl. oz. bottle. \$12.



TAHITIAN NONI® Protective Moisturizer SPF 15 Normal to Combination Skin. Get the essential

- * **TAHITIAN NONI® Facial Care System (Dry)** includes all of the above products plus 1 TAHITIAN NONI® Revitalizing Serum and 1 TAHITIAN NONI® Night Crème listed below. **\$120.**

 daytime protection your skin needs; the moisturizer will give your skin radiance, day-long comfort, hydration, and protection from the sun's harmful rays without weighing it down. 1.7 fl. oz. tube. **\$28.**

- ** **TAHITIAN NONI® Facial Care System (Normal to Combination)** includes all of the above products plus 1 TAHITIAN NONI® Revitalizing Serum and 1 TAHITIAN NONI® Night Crème listed below. **\$120.**



TAHITIAN NONI® Day Moisturizer. Give your skin the daily nourishment and moisture balance it needs to keep its elasticity and softness. TAHITIAN NONI® Day Moisturizer is remarkably rich, feather-light, and beautifying for all skin types. Formulated with TAHITIAN NONI® Barrier Repair Complex, it smoothes on effortlessly, absorbs instantly, and keeps your skin looking perfect. 1.7 fl. oz. tube. **\$28.**



TAHITIAN NONI® Exfoliating Scrub. You'll look younger with smoother skin. The fine beads in TAHITIAN NONI® Exfoliating Scrub will gently lift dead surface cells while noni and special complexes nourish your skin. Use it one to two times a week and uncover the living, glowing skin you were born with! 4 fl. oz. tube. **\$18.**



TAHITIAN NONI® Smoothing Eye Crème. Minimize the appearance of fine lines with the extra moisture of TAHITIAN NONI® Smoothing Eye Crème. Smooth it onto the delicate skin around your eyes morning and night-even wear it under your makeup for all-day hydration! 0.5 fl. oz. pump bottle. **\$36.**



TAHITIAN NONI® Revitalizing Serum. This amazing elixir helps to boost hydration and firmness of the surface layer of the skin while working to repair the underlying layers; you'll watch the visible signs of aging diminish as your skin's natural moisture increases. 1 fl. oz. pump bottle. **\$46.**



TAHITIAN NONI® Purifying Mask. This gentle clay mask goes on smooth and gives you a deep clean as it dries. You'll know it's working as it helps absorb excess oil from blemish-prone skin, lifts impurities, and refines pores. Use it once a week for total retexture and brighter skin tone! 4 fl. oz. tube. **\$18.**



TAHITIAN NONI® Gentle Makeup Remover. Wipe away makeup with ease. TAHITIAN NONI® Gentle Makeup Remover is the perfect prep for your nightly skin-care routine. Just dab it onto cotton ball, stroke it gently along your eyes, lips, and cheeks, and watch that day-old color disappear. 4 fl. oz. pump bottle. **\$15.**



TAHITIAN NONI® Night Crème. Wake to visibly fresher appearance from the benefits of "beauty rest" by conditioning your skin during the night, smoothing and minimizing the appearance of fine lines, and neutralizing free radicals. 1 fl. oz. jar. **\$35.**

Bath & Body

TAHITIAN NONI® Soap, the NONI® JUICE TAHITIAN NONI™ perfect for the bath. Made with pure TAHITIAN NONI® this soap nourishes and softens your skin. 100% Natural Soap made in Hawaii.

**TAHITIAN NONI® Skin**

Supplement. Morinda brings you a 2,000-year-old secret for keeping your skin ageless and beautiful.

TAHITIAN NONI™ Skin Supplement delivers the healing, protecting benefits of TAHITIAN NONI Juice and TAHITIAN NONI™ Essential Oil in a light, smooth cream that penetrates, hydrates, and thoroughly nourishes the skin. It can be used on all types of skin and is ideal for every member of the family, and is available with SPF 15. Tubes available in a 6 fluid ounce size. **\$24. W/ SPF 15, \$29.**

- Allows skin to breathe
- Helps skin release toxins and take in nutrients
- Supports the skin's natural pH balance
- Offers a protective barrier from the sun with broad UV protection (SPF 15)

**TAHITIAN NONI® Essential Oil.**

Nourish the driest areas of your skin with the powerful, pure essence of noni in its extra, extra virgin form. TAHITIAN NONI™ Essential Oil is drawn from the seeds of the noni fruit and is especially rich in linoleic acid, an essential fatty acid with specific abilities for nourishing the health of the skin. Apply a small amount topically onto dry spots, fine lines, and problem areas, and let it go to work! It's absorbed directly into the skin, visibly reducing the appearance of fine lines and wrinkles. Available in a 1/3 fluid ounce bottle with built-in dispenser. **\$35.**

- Gives extra care to problem areas
- Acts as a powerful ally in skin hydration and health
- Aids in the repair and rejuvenation of skin cells for radiant, resilient skin

**TAHITIAN NONI® Bath and Shower**

Gel. Add life and balance to your bath or shower with TAHITIAN NONI™ Bath & Shower Gel! This wonderfully thick formula also makes the perfect rejuvenating bubble bath! Your skin will benefit from the goodness of the noni juice blended into TAHITIAN NONI™ Bath & Shower Gel. This gentle gel has a clean, floral scent reminiscent of midnight orchids and soft tropical breezes. Natural emollients, antioxidants, and conditioners combine to cleanse your skin and condition it to silky softness, helping to combat the damage wrought by the sun and our environment. Scavenging free radicals attack the structure of skin, and are one of the leading causes of the appearance of aging, wrinkles and a weakened barrier against sun cancer. Antioxidants neutralize these dangers, as well as slough off dead skin for a smoother, healthier appearance. Comes in a shatter-proof, 8 fl. oz. bottle with easy-dispense flip cap. **\$15.**

**TAHITIAN NONI® Oatmeal**

Soap. The Benefits of TAHITIAN

NONI® Juice in a Body Bar!

TAHITIAN NONI™ Oatmeal Soap is perfect for the bath, shower, and sink! Made with pure TAHITIAN NONI Juice, this soap nourishes the skin. Organic oatmeal makes TAHITIAN NONI™

Oatmeal Soap naturally cleansing. Can be used by all skin types, available in a two-bar pack with big, long-lasting bars. **\$10.**

- Nourishes your skin with the goodness of noni.
- Helps rid the skin of disease-breeding bacteria
- Fights odor-causing germs



TAHITIAN NONI® Lip Balm with SPF 15. Perfect for everyday lip moisturizing, this lip balm gives you the benefits of noni and protection from the sun! Available in a .15 ounce tube **\$6.**

- Delicious orange flavor
- Protects lips from the sun's harmful rays
- Delivers the benefits of noni

...moderately dose of on
fruit, essential oils,
vitamins with TAHIT
Conditioner. It's an
applied to refresh the
skin. It's a natural
with balanced, bouncy,

to your hair

Hair Care

TAHITIAN NONI® HAIR SCIENCE. BLUE. BRILLIANT.



Every Day is a Good Hair Day. At last, a promise kept. It's the promise of a good hair day, and it's TAHITIAN NONI® Hair Science that delivers. This remarkable new hair care system addresses the flaws in conventional hair care technologies and leaves you with better hair than you ever imagined. How? It's a 2,000-year-old secret meshed with groundbreaking technology. The secret is *Morinda citrifolia*-or in other words, noni. Each TAHITIAN NONI™ Hair Science formula contains TAHITIAN NONI® Juice to protect your hair and keep it smooth and full, and to fight free radicals.

And the technology? TAHITIAN NONI® Hair Spheres - a complex of nourishing ingredients rolled into tiny, specialized beads. These 100-layer, nutrient-filled pouches cling to your hair, even through rinsing, styling, and drying, so they can release nutrients all day long. TAHITIAN NONI® Hair Science shampoos & conditioners give you timely hair spheres that release nutrients to your hair throughout the day. They're able to cling to your hair in the areas that need it most because your hair is negatively charged, especially in damaged areas, and hair spheres have a positive charge. The bond doesn't break, and your hair gets constant nourishment all day.



TAHITIAN NONI® Daily Shampoo.

More volume, more shine, more shape than ever before. TAHITIAN NONI® Daily Shampoo nourishes and protects your hair and scalp as it gently cleanses your hair. Ultimate protection and nourishment with noni juice and noni oil from Tahiti, and, of course, daylong fortification from hair spheres.

Your hair type can change seasonally, monthly and even daily. No matter what type of hair you have, TAHITIAN NONI® Daily Shampoo will leave your hair soft and vibrant while providing shine and strength. TAHITIAN NONI® Daily Shampoo absorbs easily and rinses cleanly, leaving only the beauty of your hair behind, available in an 8 fl. oz. bottle. **\$12.**

- Cleanses your hair deeply
- Enhances the health of your hair with herbal extracts
- Promotes healthy shine with natural emollients and the essence of noni
- pH balanced



TAHITIAN NONI® Daily

Conditioner. Give your hair a healthy dose of concentrated noni fruit, essential oils, antioxidants, and vitamins with TAHITIAN NONI® Daily Conditioner! It's created with hair spheres to refresh stressed-out hair and control frizz and unruliness. You end up with balanced, bouncy, cooperating hair.

Don't let your hair get weighed down by traditional conditioners. TAHITIAN NONI® Daily Conditioner absorbs easily into the hair, and rinses cleanly. Give your hair the special attention it needs to look its best, available in an 8 fl. oz. bottle. **\$12.**

- Boosts resilience and adds body to your hair
- Infuses your hair with essential oils, antioxidants, and vitamins
- Protects your hair against the ravages of sun, wind, and weather



TAHITIAN NONI® Nourishing Shampoo. Bring your hair back to life! Dry and/or color-treated hair gets extra hydration with gentle cleansing plus special ingredients that fight against color washout and protect against daily UV exposure.

This thick, rich shampoo is specially formulated to help prevent damage caused by weather and environmental pollutants, enhancing the health of your hair with herbal extracts. Available in an 8 fl. oz. bottle. **\$12.**

- Cleanses hair without damaging
- Nourishes and protects hair and scalp
- Contains noni and high-purity coconut extract for gentle cleansing
- Hydrates and softens hair with aloe vera, a natural antibacterial
- pH balanced



TAHITIAN NONI® Intensive Conditioner. Bring back your hair's silky smoothness with this weekly treatment. Intensely rich yet amazingly light, TAHITIAN NONI® Intensive Conditioner is formulated to penetrate and repair dry, damaged hair without weighing it down.

Saturated with a special reparative complex that binds to the hair, leaving it smooth and supple. This complex is delivered via TAHITIAN NONI® Hair Spheres, which contain essential amino and fatty acids that help protect against excessive dryness and counteract hair and scalp trauma. Give your hair the special attention it needs to look its best, available in an 8 fl. oz. bottle. **\$16.**

- Combats everyday wear and tear
- Soothes stressed-out hair
- Controls frizz and unruliness
- Conditions hair with special blend of fruit extracts
- Offers UVA and UVB protection

TAHITIAN NONI® Styling Gel. Add extra shine and hold to your hair. Naturally fragrant with your hair's essential oils. Available in an 8 fl. oz. tube. **\$13.**

TAHITIAN NONI® Styling Gel has been formulated with a special blend of essential oils and natural ingredients to provide your hair with a soft, natural-looking shine and hold.

TAHITIAN NONI® Hair Spheres. This hair treatment addresses the root cause of hair damage. We have created a special "hair sphere" that penetrates the hair shaft and delivers essential nutrients to the hair cells. This ground-breaking technology is the only hair treatment that can truly repair damaged hair.

an 8 fl. oz. tube. **\$13.**

Shampoo

TAHITIAN NONI®

Intensive Conditioner

Styling Gel

Noni Juice

Noni Oil



TAHITIAN NONI® All-in-1 Shampoo & Conditioner. You don't have to spend hours on your hair. You don't even have to spend minutes!

TAHITIAN NONI® All-in-1 Shampoo cleans, conditions, protects, and restores—everything you need to start your day right.

No time to mess with multiple bottles and treatments? This product was made for you! It cleans, conditions, and restores—everything you need to start your day right. Revitalize your hair as you experience and re-experience the benefits of the hair product that does everything! Available in an 8 fl. oz. bottle. **\$14.**

- Cleans, conditions, protects, and restores—all in one step
- Delivers nutrients to where hair needs them most
- Revitalizes hair
- Nourishes and repairs hair with natural ingredients and extracts
- pH balanced



TAHITIAN NONI® Styling Gel. Add some volume and shine to your hair with TAHITIAN NONI® Styling Gel! It'll give you the hold and lift you need for those days when hair matters.

TAHITIAN NONI® Styling Gel has been designed and perfected by a team of advanced researchers to give you excellent hold and lift. It protects your hair with our advanced noni formula and gives you the benefits of a professional product. To add volume to your hair, use it on damp hair and then style as usual. For a sleek, wet look, apply gel to dry hair. Available in an 6 fl. oz. tube. **\$13.**

- Adds volume and shine
- Gives hair hold and lift
- Protects hair with advanced noni formula
- pH balanced



TAHITIAN NONI® Sculpting Spray. Whether you want serious volume or just to lock your locks into a sensible spot, do it with TAHITIAN NONI® Sculpting Spray. This versatile, final-touch spray will hold your hair and protect it too.

TAHITIAN NONI® Sculpting Spray will not only hold your hair, it will protect it. Tip your head upside down, give your mane a spray, and enjoy the benefits of great volume. If you are a person who likes serious volume, spray it on your roots and enjoy the lift of a lifetime. Available in an 8 fl. oz. bottle. **\$13.**

- Adds great volume and lift
- Holds and protects hair
- pH balanced



TAHITIAN NONI® Hair Science Pack. This hair science system addresses the flaws in hair care technologies. We have taken a 2000-year-old secret and meshed it with our ground-breaking technology. Our secret is Morinda citrifolia—or in other words, noni. The entire system includes all seven amazing products. Includes convenient carry bag. **\$75.** You save **\$12.00!**

- TAHITIAN NONI® Daily Shampoo
- TAHITIAN NONI® Nourishing Shampoo
- TAHITIAN NONI® All-in-1 Shampoo & Conditioner
- TAHITIAN NONI® Daily Conditioner
- TAHITIAN NONI® Intensive Conditioner
- TAHITIAN NONI® Styling Gel
- TAHITIAN NONI® Sculpting Spray

Bonus Packs



TAHITIAN NONI® Juice First Purchase Pack. A one-time opportunity limited to your first purchase of TAHITIAN NONI® Juice. With your first bottle of TAHITIAN NONI® Juice, you'll get a First Purchase pack FREE! You get a Premier Edition bottle of TAHITIAN NONI Juice, a unique certificate that explains the distinctiveness of our product and shows why TAHITIAN NONI Juice is one of a kind, and a short video that conveys the vision and scope of Morinda. **\$42.**



TAHITIAN NONI® Inside/Outside Pack. This unique pack covers the bases, from the inside out. Just the right combination of TAHITIAN NONI products at just the right price. The pack includes 1 bottle TAHITIAN NONI Juice; 1 TAHITIAN NONI Juice Handi-Pack; 1 tube Skin Supplement 6 oz.; choice of 1 bottle TAHITIAN NONI Essential Oil 1/3 oz. or 1 bottle of any Smart Extract; 1 Hoa Smart Nutrition Complete Supplements 30 day supply; 2 canisters Tahiti Trim Protein Drink or Complete Shakes - you can mix/match and choose any flavor. Wow! **\$150.**

Special Offers



Natura™ Tahitian Black Pearl. Each black pearl is unique, no two are exactly alike. Your pearl will be more distinctive because it comes directly from the oyster to your hands, pure and unsullied. You are its first and only owner. The Natura Tahitian Black Pearl is of the highest quality, and, like all other pearls, is classified on the basis of color, shape, size, luster, and purity. 9-9.9mm **\$375.** 10-10.9mm **\$465.**



Consumer-Direct Catalog. This beautiful full-color catalog showcases Morinda's entire product line (plus special bonus items found only in the catalog), and gives a great introduction to the company. **Yours FREE for the asking.**

Coming Soon (Spring 2003): Tea & Candy



TAHITIAN NONI® Tea has precise harvesting, exact drying, and careful formulation (proprietary roasting process) to ensure the tea delivers all the nutrients inherent in the noni leaf.



TAHITIAN NONI® Power Fruit™ Soft Chew Candy contains 10% TAHITIAN NONI Juice, and a mouth-watering berry flavor. Great for children.



TAHITIAN NONI® Power Fruit™ White Chocolate Candy contains 10% TAHITIAN NONI Juice, and is white chocolate with a berry flavored heart-shaped top. A creamy candy that melts in your mouth.

Everyone will love it!

The above statements have not been evaluated by the Food and Drug Administration.

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